

PATENT

Docket No. 17400 (AP)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Wheeler et al.

Serial No. 10/020,541
Conf. No. 1687

Filed: April 26, 2002

For: METHODS AND COMPOSITIONS
FOR TREATMENT OF OCULAR
NEOVASCULARIZATION AND NEURAL
INJURY

Group Art Unit: 1635

Examiner: Angell, Jon E.

PETITION PURSUANT TO 37 CFR 1.182
FOR REINSTATEMENT OF PRIORITY DATE

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir,

Applicants hereby file this petition pursuant to 37 CFR 1.182 to reinstate the priority date of the present specification, with the exception of page 14, which was filed on April 26, 2002 and has the filing date thereof. In the alternative, Applicants respectfully request that page 14 be removed from the present specification and the remaining pages of the specification be given the benefit of the priority date, November 1, 2000.

01/08/2008 CCHAU1 00000028 010885 10020541

01 FC:1464 130.00 DA

CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office fax number 571-273-8300, or mailed by first class mail to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: January 3, 2007
Name: Shawunna Waddell

Signature: Shawunna Waddell

The present patent application was filed October 30, 2001, on which date priority to provisional application Serial No. 60/244850, filed November 1, 2000, was properly claimed in the application papers. A copy of the Declaration of inventors filed with the original application on October 30, 2001 containing the priority claim is attached hereto as Exhibit A.

On March 26, 2002 Applicants received a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (hereinafter "Notice"), which informed the Applicants that page 14 of the specification appeared to have been omitted from the specification when the application was filed. Upon an inspection of the application file, and despite the Applicants' receipt of a stamped return postcard from the USPTO (a copy of which is included herein as Exhibit B) indicating that all 26 pages of specification, 6 pages of claims and 1 page of abstract had been received by the USPTO, Applicants became convinced that page 14 had inadvertently been omitted in the original filing.

Accordingly, on April 26, 2002 Applicants filed a communication containing page 14 of the specification along with a Supplemental Declaration and a petition under 37 CFR 1.182. In this petition the Applicants requested the entry of page 14 into the already-filed specification, and requested that only page 14 be given the filing date of the Petition (April 26, 2002). This would result in the remainder of the specification retaining the priority date of November 1, 2000. The missing page and a Supplemental Declaration accompanied the April 26, 2001 petition, a copy of which is included herein as Exhibit C.

On August 14, 2002 a Decision on Petition was mailed in which the Decision stated: "This is a decision on the petition filed April 26, 2002 under 37 CFR 1.182 to permit entry of page 14 of the specification. The Petition is **granted**."

However, the petition was not granted insofar as Applicants never requested or agreed to abandon the filing date of the present application or the priority claimed to the provisional patent application. This is clear from a review of the April 26, 2002 petition, in which Applicants asked only that page 14 be entered and given the later filing date.

Applicants therefore respectfully petition the USPTO to treat this application in a manner similar to a continuation-in-part application is treated. That is, Applicants request that page 14 (and all subject matter relying solely on page 14 for disclosure pursuant to 35 USC §112) be given a priority date of April 26, 2002, the date of its filing. All remaining subject matter present in this application should have restored the priority date to which it would otherwise be entitled under 35 USC §§119(e) and 120: the filing date of the first application in which it was disclosed in the manner required by 35 USC §112; either the November 1, 2000 date of the 60/244850 provisional application or the October 30, 2001 date of the present non-provisional application. Applicants are willing to amend the first paragraph of the specification to make a specific reference to the date that page 14 was filed.

In the event that this petition is not granted, then Applicants alternatively petition the Patent and Trademark Office to permit the Applicants to delete page 14 from the specification

and to restore the priority date of the amended patent application as set forth in the first paragraph of the specification whereby this application, filed October 30, 2000, claims priority pursuant to 35 USC §119(e) to provisional patent application Serial No. 60/244850.

Applicants hereby authorize the Director to use Deposit Account 01-0885 for the payment of the petition fee pursuant to 1.17(h) and any other fee that may be due in connection with this application.

Respectfully submitted,



Carlos A. Fisher
Registration No. 36,510
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Irvine, CA 92618
Telephone 949-450-1750

COMBINED DECLARATION & POWER OF ATTORNEY - U.S.A Application

As a below named Inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original and sole Inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS AND COMPOSITIONS FOR TREATMENT OF OCULAR NEOVASCULARIZATION AND NEURAL INJURY** the specification of which

(check one) is attached hereto
 was filed on _____ as US Application Serial No. _____
 or PCT International Application No. _____
 and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under 35 USC § 119(a)-(d) or §365(b) of any foreign application(s) for patent or Inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or Inventor's certificate, or PCT International application having a filing date before that of the Prior Foreign Applications(s).

Number	Country	Day/Month/Yr filed	[X] Priority Not Claimed
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I hereby claim the benefit under 35 USC §119 (e) of any United States provisional application(s) listed below.

Application No.	Filing Date
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

60/244,850	November 1, 2000
Application No.	Filing Date

I hereby appoint **CARLOS A. FISHER, Registration No. 36,510** (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, with full power to appoint associate attorneys:



Name	Registration No.
Robert Baran	25,806
Stephen Donovan	33,433
Martin A. Voet	25,208

of the following correspondence address: **Allergan, Inc., 2525 Dupont Drive, Irvine, CA. 92612**

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR:			
First Name: Larry	Initial A.	Last Name Wheeler	
RESIDENCE & CITIZENSHIP			
City Irvine	State or Foreign Country California	Country of Citizenship USA	
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SIGNATURE OF FIRST INVENTOR		DATE:	
<i>Larry Wheeler</i>		<i>10/24/01</i>	
FULL NAME OF INVENTOR:			
First Name: Gerald	Initial W.	Last Name DeVries	
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SIGNATURE OF INVENTOR		DATE:	
<i>Gerald W. DeVries</i>		<i>10/24/01</i>	



BOX PATENT APPLICATION
Rec'd in USPTO/PCT Office. Date Stamp and Return Card.

Date: 10/30/01 Serial No.: Not Assigned
Title: METHODS AND COMPOSITIONS FOR TREATMENT.
Dkt. No.: 17400 (BAR)

Enclosed Are:

Specification # 26 pgs, Claims # 6 pgs
and Abstract # 1 pg
 Drawings (____ sheets)
 Formal Informal
 Info. Disc. Statement
 Priority Documents #
 PTO 1449 W/References
 PCT Request (# pgs. ____)
 PCT Demand (# pgs. ____)
 PCT Response (# pgs. ____)
 PCT Amendment (# pgs. ____)

U.S. PTO
10/30/01
JC903
10/020541

Declaration, Power of Attorney
 Assignment & Cover Sheet
 Amendment (Final) (# pgs. ____)
 Certificate of Mailing *by Express*
 Issue Fee Transmittal
 Transmittal Letter
 Extension of Time
 Express Mail No. _____

EL897831748US

Exhibit B



Docket No. 17400(HL)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Liang et al

10/020,541
Serial No. 697866,032
Conf. No. 4265 1687

Filed: May 24, 2001 4/26/2002

For: RECOMBINANT SIMIAN GPR3 RECEPTOR

Group Art Unit: Not Assigned

Examiner: Not Assigned

Methods and Compositions for
Treatment of Ocular

PETITION PURSUANT TO 37 CFR 1.182

Neovascularization
and Neural Injury

Assistant Commissioner for Patents
Washington D.C. 20231

The Notice to Comply with the Requirements for Patent Applications containing Nucleotide Sequences contained a notification that page 14 of the specification appeared to have been omitted. Upon inspection of the file, Applicants agree that this page of the specification was inadvertently not included when the non-provisional patent application was filed.

Accordingly, Applicants hereby petition the Commissioner to permit the entry of page 14 of the specification, filed with this Petition. Applicants also include a Supplemental Declaration of Inventors making reference to page 14. Applicants request that page 14 of the specification be given the filing date of this communication. Applicants include herewith a copy of the Notice to Comply.

Applicants hereby authorize the use of our Deposit Account 01-0885 for the payment of the petition fee, thought to be \$130.00, as well as any other fee properly due in connection with this communication.

Respectfully submitted,

Carlos A. Fisher
Registration No. 36,510
Attorney of Record

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: U.S. PATENT AND TRADEMARK OFFICE, BOX SEQUENCE, P.O. BOX 2327, ARLINGTON, VIRGINIA, ON 4/13/2002 PRINTED NAME OF PERSON MAKING DEPOSIT: BONNIE FERGUSON;
SIGNATURE OF PERSON MAKING DEPOSIT:
Date: 4/23/2002

Exhibit C